

MEMORANDUM

Agenda Item No. 4(H)

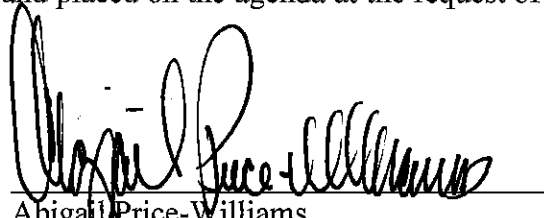
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: January 20, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to vehicles
for hire; amending Chapter 31,
Article V relating to chauffeur's
registrations; creating Chapter 31,
Article VII regulating
transportation network entities,
chauffeurs and vehicles

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jean Monestime.



Abigail Price-Williams
County Attorney

APW/cp



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

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County Attorney

SUBJECT: Agenda Item No. 4(H)

Please note any items checked.

- ☒ "3-Day Rule" for committees applicable if raised
- ☒ 6 weeks required between first reading and public hearing
- ☒ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 4(H)

Veto _____

1-20-16

Override _____

ORDINANCE NO. _____

ORDINANCE RELATING TO VEHICLES FOR HIRE; AMENDING CHAPTER 31, ARTICLE V RELATING TO CHAUFFEUR'S REGISTRATIONS; AMENDING DEFINITIONS; ELIMINATING REQUIREMENT THAT APPLICANTS FOR CHAUFFEUR'S REGISTRATION TAKE SPECIFIED COURSES AND ORAL, WRITTEN AND PHYSICAL EXAMINATIONS; CREATING CHAPTER 31, ARTICLE VII OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, REGULATING TRANSPORTATION NETWORK ENTITIES, TRANSPORTATION NETWORK ENTITY FOR-HIRE CHAUFFEURS AND TRANSPORTATION NETWORK ENTITY VEHICLES OPERATING IN THE INCORPORATED AND UNINCORPORATED AREAS OF MIAMI-DADE COUNTY; PROVIDING FOR DEFINITIONS; REQUIRING THAT TRANSPORTATION NETWORK ENTITIES OBTAIN A TRANSPORTATION NETWORK ENTITY LICENSE; PROVIDING THAT THERE SHALL BE NO LIMITATION ON THE NUMBER OF TRANSPORTATION NETWORK ENTITY LICENSES THAT MAY BE ISSUED; REQUIRING THAT TRANSPORTATION NETWORK ENTITIES COMPLY WITH SPECIFIED RULES OF OPERATION; PROHIBITING TRANSFER OF TRANSPORTATION NETWORK ENTITY LICENSES; PROVIDING THAT THERE SHALL BE NO LIMIT TO THE NUMBER OF TRANSPORTATION NETWORK ENTITY VEHICLES AUTHORIZED TO OPERATE UNDER A TRANSPORTATION NETWORK ENTITY LICENSE; REQUIRING THAT TRANSPORTATION NETWORK ENTITY FOR-HIRE CHAUFFEUR'S OBTAIN A CHAUFFEUR'S REGISTRATION; MANDATING THAT TRANSPORTATION NETWORK ENTITY CHAUFFEURS COMPLY WITH SPECIFIED REQUIREMENTS; ESTABLISHING DUTIES OF REGULATORY AND ECONOMIC RESOURCES DEPARTMENT OR SUCCESSOR DEPARTMENT; PROVIDING FOR ADDITIONAL RULES OF OPERATION; AUTHORIZING TRANSPORTATION NETWORK ENTITIES TO ESTABLISH FARES AND RATES FOR TRANSPORTATION NETWORK ENTITY SERVICES; ESTABLISHING INSURANCE REQUIREMENTS; AUTHORIZING COUNTY COMMISSION TO ESTABLISH FEES; REQUIRING THAT TRANSPORTATION NETWORK ENTITY VEHICLES COMPLY WITH VEHICLE STANDARDS AND BE ISSUED AN OPERATING PERMIT UNDER CERTAIN CIRCUMSTANCES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-
DADE COUNTY, FLORIDA:**

Section 1. Chapter 31, Article V of the Code of Miami-Dade County, Florida, is hereby amended as follows:¹

CHAPTER 31. VEHICLES FOR HIRE

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Article V. GENERAL REQUIREMENTS

Sec. 31-301. - Applicability.

All general requirements contained in this article are applicable to chauffeur applicants and chauffeurs for nonemergency medical transportation regulated under Chapter 4, Article III, private school buses regulated under Chapter 30, Section 371 and 372, taxicabs regulated under Chapter 31, Article II, Passenger Motor Carriers regulated under Chapter 31, Article III, and special transportation service regulated under Chapter 31, Article IV and limousines regulated under Chapter 31, Article VI>>, and transportation network entity vehicles regulated under Chapter 31, Article VII<<.

Sec. 31-302. - Definitions.

For purposes of this article the following definitions shall apply:

- (a) ~~[[CSD means the Miami-Dade County Consumer Services Department.]]~~>>Department means the Miami-Dade County Regulatory and Economic Resources Department, predecessor department or successor department.<<
- (b) *For-hire company* means an entity which is registered with the ~~[[Consumer Services]]~~ Department, which shall minimally provide a color scheme, including the trade name, customer lost and found services and a system for handling customer complaints. A for-hire company may among other things also provide communication services, contract services to chauffeurs and contract services for for-hire license holders.

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(c) *For-hire passenger motor vehicle* or *for-hire vehicle* means any of the following chauffeur-driven vehicles as defined in Chapters 4, 30 or 31 of the Code of Miami-Dade County:

- (i) Taxicab
- (ii) Limousine
- (iii) Passenger motor carrier vehicle
- (iv) Non-emergency medical transportation vehicle
- (v) Private school bus
- (vi) Special transportation service vehicle

>>(vii) Transportation network entity vehicle<<

which engages in the transportation of passengers and their accompanying property for compensation over the public streets of Miami-Dade County which complies with Section 319.23, Florida Statutes, as may be amended from time to time, but excluding ambulances, vehicles used exclusively for the transportation of decedents and persons participating in funeral services, vehicles used solely to provide free transportation services for customers of the business establishment owning said vehicles, and rental or leased vehicles which rental or lease does not include a chauffeur; provided, however, that no vehicle excluded under this definition shall be used on a for-hire basis except as authorized by this chapter.

(d) ~~[[PTRD means the Passenger Transportation Regulatory Division.]]>>Reserved.<<~~

(e) *Solicit* means an appeal by bell, horn, whistle, words or gestures for immediate patronage of a for-hire vehicle by a chauffeur or his agent directed at individuals or groups while the person making the appeal is upon the public way or public property, or the vehicle is parked, stopped, standing or moving up the public way or public property.

Sec. 31-303. - Chauffeur's registration; all types.

- (a) It shall be unlawful for any person to drive any for-hire vehicle over any street in Miami-Dade County without first having obtained a chauffeur's registration from the ~~[[CSD]]~~ >>Department<< pursuant to this section.
- (b) Initial application for a chauffeur's registration shall be on forms provided by the Department and shall be accompanied by a non-refundable payment of an application and processing fee. Application for renewal of chauffeur's registration shall be accompanied by a non-refundable payment of a renewal fee. Registration applications whether initial or for a renewal shall contain all information required by this chapter.
- (c) The ~~[[CSD]]~~ >>Department<< and the Miami-Dade Police Department shall investigate each applicant and report all findings. ~~[[The CSD, or any authorized agent, shall examine each applicant to determine his or her knowledge of the English language, Miami-Dade County geography, traffic regulations and chauffeur responsibilities as contained in this chapter.]]~~
- (d) The ~~[[CSD]]~~ >>Department<< may issue a chauffeur's registration, for such periods as prescribed within the ~~[[administrative]]~~ >>implementing<< order establishing the fees when it is shown that the initial or renewal applicant:
 - (1) Holds a current, valid State of Florida driver's license of the class required for the type of for-hire vehicle to be operated;
 - (2) ~~[[Has taken a one (1) day course in one (1) location, as directed by CSD, which will ensure that the applicant is able to speak, read and write the English language sufficiently to perform the duties of a chauffeur; and passes the required CSD oral and written exam demonstrating his or her knowledge of the English language, Miami Dade County geography, traffic regulations, defensive driving techniques and chauffeur responsibilities. Notwithstanding the foregoing, chauffeurs who have held a chauffeur's registration issued by Miami-Dade County for twenty or more years and have not violated a vehicle or chauffeur standard on two or more occasions within the preceding five (5)~~

~~years, shall be exempt from the requirements of this paragraph (2). Further, chauffeurs who, as of the effective date of this ordinance, have held a chauffeur's registration issued by Miami Dade County for twenty or more years shall be exempt from the requirements of this paragraph (2). The provisions of this paragraph (2) shall not apply to initial or renewal private school bus chauffeur applicants except as provided in Section 31-306. In addition, the provisions of this paragraph (2) shall not apply to initial or renewal fixed route or jitney service chauffeur applicants except as provided in Section 31-309.]] >>Reserved;<<~~

(3) ~~[[Completes a physical examination within the most recent twelve-month period (including any drug test required by the CSD Director pursuant to authority of subsection (j)) by a licensed physician or advanced registered nurse practitioner showing the applicant to be free from any physical or mental defect and to be of sound health;]] >>Reserved;<<~~

(4) Is eighteen (18) years of age or older;

(5) Certifies under oath that he or she is not a user of alcohol or drugs whose current use would constitute a direct threat to property or the safety of others;

(6) Certifies under oath that he or she is free from any physical or mental defect or disease that would constitute a direct threat to the property or safety of others or would impair his or her ability to drive a for-hire vehicle[[;]]>>.<<

[[~~(7) Has attended a National Safety Council Defensive Driving Course or equivalent; provided, however, that renewal applicants shall only be required to take an additional defensive driving course approved by the CSD if, in the most recent two-year period, said renewal applicant has been found guilty, or pled guilty or nolo contendere to two (2) or more moving violations.]]~~

- (e) No person shall be issued a chauffeur's registration who:
- (1) ~~[[Fails the physical examination or any drug test required by subsection (d)(3);]]~~ >>Reserved;<<
 - (2) Is an individual who is not duly authorized to work by the immigration laws or the Attorney General of the United States;
 - (3) Is a user of alcohol or drugs whose current use would constitute a direct threat to property or the safety of others;
 - (4) Falsifies his or her application, ~~[[is found cheating on any exam,]]~~ or has altered any chauffeur registration such an applicant shall not be eligible to re-apply for one (1) year;
 - (5) Has within the last five (5) years pled nolo contendere, pled guilty, been found guilty or been convicted of a felony, unless his or her civil or residency rights have been restored;
 - (6) Has pled nolo contendere, pled guilty, been found guilty, or been convicted, regardless of whether adjudication has been withheld, of any criminal offense involving moral turpitude relating to sex crimes, the use of a deadly weapon, homicide, violent offense against a law enforcement officer under Section 775.0823, Florida Statutes, or is a habitual violent felony offender under Section 775.084, Florida Statutes;
 - (7) Has been convicted of an offense involving moral turpitude not relating to sex crimes when, in the discretion of the ~~[[CSD]]~~ Director, approval of such registration would constitute a threat to health, welfare or safety of the public or property and therefore would not be in the public's interest;
 - (8) During the last five (5) years prior to application has had his or her driver's license suspended for or has pled nolo contendere, pled guilty or been found guilty or been convicted (regardless of whether adjudication has been withheld) of:

- (i) Driving under the influence of drugs or intoxicating liquors (D.U.I.);
 - (ii) Three (3) or more traffic infractions resulting in accidents;
 - (ii) Fleeing the scene of any accident, or
 - (iv) Vehicular manslaughter or any death resulting from driving;
- (9) During the last five (5) years prior to application has accumulated twenty-four (24) points provided, however, renewal applicants applying for renewal of a chauffeur's registration on or before five (5) years from the effective date of this ordinance shall not be issued a renewal registration, if he or she has accumulated twenty-four (24) points during the last three (3) years prior to such application; ~~[[or]]~~
- (10) A chauffeur registration shall be denied when a chauffeur has received in the most recent twelve (12) month period prior to application two (2) or more driver's license suspensions of any type on his or her State of Florida or other state record; or when the applicant has been determined by the State of Florida, or other State to be a habitual traffic offender in accordance with Section 322.264, Florida Statutes, as amended or other applicable State law~~[[.]]>>; or<<~~
- (11) Has within the last ten (10) years pled nolo contendere, pled guilty, been found guilty or been convicted, regardless of whether adjudication has been withheld, of any offense involving trafficking in narcotics. After said ten-year period, such a person shall only be eligible if and when his or her civil or residency rights have been restored.

- (f) The ~~[[d]]>>D<<irector~~ ~~[[of the CSD]]~~ may issue a temporary chauffeur's registration valid for six (6) months only to any applicant, who otherwise qualifies, whose State of Florida application for restoration of civil or residency rights is pending. This temporary chauffeur registration process shall not be available to nor shall such chauffeur's registration be issued to any person who:
- (1) Has pled nolo contendere, pled guilty, been found guilty or been convicted (regardless of whether adjudication has been withheld) of:
 - a. Any criminal offense involving moral turpitude relating to sex crimes, the use of a deadly weapon, homicide, trafficking in narcotics, or a violent offense against a law enforcement officer under Section 775.0823 Florida Statutes, or is a habitual felony offender or a habitual violent felony offender under Section 775.084 Florida Statutes; or
 - b. Any crime wherein a for-hire vehicle was employed; or
 - c. The crime of assault or battery on any county code enforcement personnel.
 - (2) Upon approval of a pending application for restoration of civil or residency rights, the temporary chauffeur shall have the privilege of applying for a chauffeur's registration. Upon denial of a pending application for restoration of civil or residency rights, the temporary chauffeur registration shall be automatically revoked. If, at the expiration of the temporary chauffeur's registration, the applicant can prove that his same application for restoration of civil or residency rights is still legitimately pending, the ~~[[CSD]]~~ ~~[[d]]>>D<<irector~~ may further extend the temporary chauffeur's registration, upon application and non-refundable fee payment.

- (g) Each chauffeur's registration (other than a temporary chauffeur's registration) shall expire on the chauffeur's birthday during the appropriate calendar year following issuance. Duplicate chauffeur's registrations may be issued in the same manner as required by Section 31-303. The request must be sworn to and must state that the original has been lost or stolen.
- (h) Chauffeurs shall have a grace period of up to thirty (30) days after expiration in which to renew same and maintain the continuity of the registration, provided, however, the chauffeur within such thirty-day period shall not drive a for-hire vehicle without a valid chauffeur registration and shall also pay a non-refundable penalty surcharge over and above the chauffeur's registration fee.
- (i) Chauffeurs must abide by all rules and regulations applicable to chauffeurs and shall be subject to enforcement, violations and penalties contained in this chapter and Chapter 8CC of this Code. A chauffeur shall comply with the following regulations:
 - (1) At all times when operating a for-hire motor vehicle, a chauffeur shall display in such a vehicle a valid chauffeur's registration issued by the ~~[[CSD]]~~ >>Department<< for the class of transportation operated~~[[.]]>>~~_i<<
 - (2) No chauffeur shall solicit, as defined by this article, passengers or drive his or her vehicle back and forth in front of any place of public assemblage~~[[.]]>>~~_i<<
 - (3) No chauffeur shall smoke while transporting passengers or sleep or permit others to sleep inside the motor vehicle while parked at a public or private stand or stop~~[[.]]>>~~_i<<
 - (4) No chauffeur shall refuse or neglect to transport to any place in the county any orderly person regardless of race, sex, religion, national origin, >>marital status,<< age>>, sexual orientation, gender identity or expression,<< [[or physical]] disability, >>pregnancy, color, or political affiliation<< who is willing and able to pay the prescribed fare and no chauffeur shall accept any

additional passengers without the consent of the passengers already within the vehicle unless the passenger is being transported under a shared ride or other special service rate[[:]]>>_;<<

- (5) Chauffeurs at all times shall maintain a neat appearance. Chauffeurs, other than private school bus chauffeurs, shall wear a collared shirt, dark trousers or skirt, and closed shoes[[:]]>>_;<<
- (6) Chauffeurs shall maintain accurate trip sheets for at least one (1) year showing at least the following information: name of chauffeur, vehicle number, date, origin and destination of each trip, number of passengers, and fare for each trip. The total miles, trips and units accumulated during a chauffeur's shift shall be recorded. All information must be recorded legibly. Upon request of [[CSD]]>>the Director<<, chauffeurs shall produce, in person, trip sheets required to be maintained by this section within one (1) business day of such request[[:]]>>_;<<
- (7) No chauffeur shall collect, require, charge, demand, request or accept fares or compensation for transportation services or related services other than the established rates or fares for the type of service being provided, nor may any driver collect, require, charge, demand, request or accept any additional payment including any surcharge, fee, convenience fee, fare or any other form of compensation for the use of a credit or debit card, unless approved by the County Commission, or for transporting any baggage which accompanies the passenger, provided, however, that this provision shall not apply to gratuities[[:]]>>_;<<
- (8) The passenger shall be offered [[a]] >>an electronic or paper<< receipt for the fare collected[[:]]>>_;<<

- (9) Chauffeurs shall not operate any for-hire vehicle with any lighting devices that are not functioning properly. Likewise, no vehicle shall be driven unless the chauffeur shall have satisfied himself or herself that the brakes, steering mechanism, tires, horn, windshield wipers, and side and rearview mirrors are in good working order[[:]]>>_;<<
- (10) A chauffeur shall not use abusive language or be discourteous to passengers or enforcement personnel or solicit gratuities[[:]]>>_;<<
- (11) No chauffeur shall operate a motor vehicle while his or her ability or alertness is so impaired or so likely to become impaired, through fatigue, illness or any other cause, as to make it unsafe for him or her to begin or continue to operate the motor vehicle. However, in a case of grave emergency where the hazard to occupants of the vehicle or other users of the highway could be increased by compliance with this section, the driver may continue to operate the motor vehicle to the nearest place at which that hazard is removed[[:]]>>_;<<
- (12) All chauffeurs shall notify the [[CSD]] >>Department<< upon each modification of his or her agreement with an operator or for-hire company. All chauffeurs shall notify the [[CSD]] >>the Department<< of each change of address within ten (10) days of relocation[[:]]>>_;<<
- (13) Chauffeurs shall select routes to trip destinations that are most economical to the passenger unless otherwise directed by or agreed to by the passenger[[:]]>>_;<<
- (14) No chauffeur shall attempt to solicit or attempt to divert the patronage of any passenger, prospective passenger, or other person on behalf of any hotel, motel, apartment, restaurant, nightclub, bar or any other business establishment, or accept or receive from any business establishment any payment for such solicitation or diversion of passengers from or to any place of business[[:]]>>_;<<

- (15) It shall be unlawful for any chauffeur to refuse to stop his or her vehicle for inspection by [[CSD]] authorized personnel or any police officer when such personnel witness a violation of the Code of Miami-Dade County pertaining to such vehicle or when the officer witnesses a violation of the requirements of law or the Code of Miami-Dade County pertaining to such vehicle; or to refuse to permit [[CSD]] authorized personnel or any police officer to conduct inspection of the vehicle[[:]]>>_;<<
- (16) Each chauffeur shall prominently display an off-duty sign when not waiting employment or actually transporting paying passengers. >>This requirement shall not apply to transportation network entity vehicles;<<
- (17) Each chauffeur shall use the air conditioner unless otherwise requested by the passenger, where the vehicle standards mandated by the Code require that a vehicle be equipped with an air conditioner[[:]]>>_;<<
- (18) No chauffeur shall display an altered chauffeur's registration when operating[[:]]>>_;<<
- (19) No chauffeur shall refuse to sign and accept a violation notice[[:]]>>_;<<
- (20) No chauffeur shall operate a vehicle without a currently valid operating permit and vehicle inspection displayed[[:]]>>_;<<
- (21) No chauffeur shall operate a vehicle with a tampered or altered operating permit decal or vehicle inspection sticker[[:]]>>_;<<
- (22) ~~[[All chauffeurs who are authorized by state law to carry a firearm and intend to carry said firearm on their bodies or in their vehicles shall notify the CSD in writing on a form provided by the CSD.]]~~
>>Reserved; and<<

(23) No chauffeur shall refuse or neglect to transport to any place in the county any orderly person, including a service animal, who is willing and able to pay the prescribed fare and no chauffeur shall accept any additional passengers without the consent of the passengers already within the vehicle unless the passenger is being transported under a shared ride or other special service rate. As used in Chapter 31, the term "service animal" shall mean any guide dog, signal dog, or other animal, as defined in 28 C.F.R. § 36.104, individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

(j) ~~[[The county manager, within one hundred eighty (180) days from the date of passage of this ordinance, shall prepare and submit directly to the commission a proposed administrative order which provides for drug and alcohol testing where (i) reasonable suspicion exists that a chauffeur applicant or registered chauffeur is abusing alcohol or misusing prescription drugs or illegal substances, or (ii) a registered chauffeur has been involved in a serious accident or repetitive accidents as defined in said administrative order. Such administrative order may also provide for the conduct of periodic recurring testing of such chauffeurs. A chauffeur who is determined to have used or to have been impaired by alcohol while operating or driving a for hire motor vehicle shall have his or her registration revoked for two (2) years. A chauffeur who is determined to have used a controlled substance, except as permitted for medical purposes by law or regulation, shall have his or her registration revoked for two (2) years.]]~~
>>Reserved.<<

- (k) Any chauffeur's registration shall be automatically revoked should the chauffeur plead nolo contendere, plead guilty, or be convicted of a felony or of any criminal offense involving moral turpitude or a crime involving the use of deadly weapons or trafficking in narcotics or should the State of Florida revoke or suspend the chauffeur's driver's or operator's license.
- (l) Conviction of a crime. A chauffeur shall be required to notify the ~~[[CSD]]~~ >>Department<< in writing of a conviction of a crime within ten (10) business days of said occurrence. Failure to provide the required notice may result in the revocation or suspension of the chauffeur's registration.
- >>(m) Notwithstanding any provision to the contrary, any person who has obtained a taxicab or limousine chauffeur's registration from the Department pursuant to Chapter 31, Article V of the Code shall be eligible to operate as a transportation network entity for-hire chauffeur without having to obtain another chauffeur's registration.<<

Sec. 31-304. - Chauffeur's registration—Additional taxicab requirements.

Each chauffeur shall:

- (1) Only transport passengers or goods with a properly sealed and operating taximeter with the flag down if so equipped and meter running~~[[.]]~~>>_i<<
- (2) When parked in a designated taxi stand remain adjacent and in attendance to his or her vehicle at all times. All doors on the vehicle are to be closed except when loading or unloading passengers~~[[.]]~~>>_i<<
- (3) Only transport passengers or goods with a lit tell-tale light~~[[.]]~~>>_i<<
- (4) Inquire of a disabled passenger whether he or she requires assistance from the chauffeur to or from the nearest accessible door both at the origin and destination of a trip~~[[.]]~~>>_i<<

- (5) Not accept any other fare while en route to a dispatched call for an accessible vehicle[[-]]>>;<<
- (6) Notwithstanding any provision to the contrary, twelve (12) months after the effective date of this ordinance, any chauffeur who seeks authorization to pick-up passengers at Miami International Airport and the Port of Miami shall be required to register with the Department of Regulatory and Economic Resources and meet with and abide by the following standards:
 - (a) Chauffeurs of Ambassador Cabs shall at all times during the performance of their duties be in compliance with Chapter 31 of the Code of Miami-Dade County, Miami-Dade Aviation Operational Directive number 42, Port of Miami Tariff number 10 and the requirements of this section;
 - (b) A chauffeur seeking authorization to operate an Ambassador Cab shall not be eligible to operate an Ambassador Cab if he or she has during the preceding one (1) year period: (i) been found guilty of more than two violations of Chapter 31 of the Code by an administrative hearing officer; or (ii) failed to pay or appeal more than two citations for violations of Chapter 31 of the Code within the established time; or (iii) paid more than two (2) fines for violating Chapter 31 of the Code;
 - (c) Any chauffeur of an Ambassador Cab shall be removed from the Ambassador Cab program and not permitted to pick-up passengers at Miami International Airport and the Port of Miami if he or she has during any one (1) year period as an Ambassador Cab chauffeur: (i) been found guilty of more than two violations of Chapter 31 of the Code by an administrative hearing officer; or (ii) failed to pay or appeal more than two (2) citations for violations of Chapter 31 of the Code within the established time; or (iii) paid more than two (2) fines for violating Chapter 31 of the Code;

- (d) Any chauffeur of an Ambassador Cab shall be removed from the Ambassador Cab program and not permitted to pick-up passengers at Miami International Airport and the Port of Miami if he or she has during any one (1) year period as an Ambassador Cab chauffeur: (i) been found guilty of one of the following violations of Chapter 31 of the Code by an administrative hearing officer; or (ii) failed to pay or appeal one of the following citations for violating Chapter 31 of the Code within the established time; or (iii) paid a fine for violating one of the following provisions of Chapter 31 of the Code:
 - i. Failure to use established rates; or
 - ii. Refusal to transport a passenger.
- (e) Notwithstanding, any provision to the contrary, any chauffeur of an Ambassador Cab shall be permanently removed from and permanently ineligible to apply for the Ambassador Cabs Program and not permitted to pick-up passengers at Miami International Airport and the Port of Miami if he or she has: (i) been found guilty of a second offense of one of the following violations of Chapter 31 of the Code by an administrative hearing officer; or (ii) for a second time, failed to pay or appeal one of the following citations for violating Chapter 31 of the Code within the established time; or (iii) for a second time, paid a fine for violating one of the following provisions of Chapter 31 of the Code:
 - i. Failure to use established rates; or
 - ii. Refusal to transport a passenger.
- (f) Chauffeurs removed from operation as an Ambassador Cab chauffeur may not re-apply to pick up passengers at Miami International Airport or the Port of Miami until one (1) year from the date of removal from the program has passed provided that during that period the chauffeur has not: (i) been found guilty of more than two violations of

Chapter 31 of the Code by an administrative hearing officer; or (ii) failed to pay or appeal more than two (2) citations for violations of Chapter 31 of the Code within the established time; or (iii) paid more than two (2) fines for violating Chapter 31 of the Code;

- (g) Notwithstanding any provision to the contrary, beginning six (6) months after the effective date of this ordinance, chauffeurs of Ambassador Cabs shall have and utilize a SunPass device where the toll is fixed. Where the "SunPass Only" or "SunPass Express" toll is not fixed, the chauffeur shall determine whether the passenger desires to use the "SunPass Only" or "SunPass Express" lane and comply with the wishes of the passenger;
 - (h) Chauffeurs of Ambassador Cabs shall, without exception, wear a collared shirt, dark trousers or skirt and closed shoes;
 - (i) Chauffeurs of Ambassador Cabs shall open doors for passengers;
 - (j) Chauffeurs of Ambassador Cabs shall load and unload luggage, unless otherwise instructed by the passenger;
 - (k) Chauffeurs of Ambassador Cabs shall be prohibited from refusing to accept payment by a credit card.
- (7) Open doors for passengers;
 - (8) Load and unload luggage, unless otherwise instructed by the passenger;
 - (9) Be prohibited from refusing to accept payment by a credit card if a credit card processing system is required; and
 - (10) Not discharge a passenger prior to reaching the passenger's requested destination.

Sec. 31-305. - Chauffeur's registration—Additional nonemergency medical transportation chauffeur provisions.

Each chauffeur shall:

- (1) Be trained in the correct use of special equipment required for wheelchair and stretcher transport[[:]]>>:<<
- (2) Notwithstanding any other provision of law, the county commission may by a majority vote of the members present authorize the issuance of a nonemergency medical transportation chauffeur's registration to an applicant who does not otherwise meet the requirements of Section 4-45 (and Chapter 31, Article V of the Code) if the applicant can produce evidence sufficient to satisfy the county commission that the applicant: (1) has been paroled into the United States pursuant to 8 United States Code Section 1182(d)(5); (ii) is authorized to work in the United States; (iii) has been convicted of a felony; (iv) has been leading an exemplary life during the two (2) year period prior to application; and (v) is seeking a chauffeur's registration for the purpose of earning an honest livelihood. A chauffeur's registration issued pursuant to Section 4-45 may be renewed (i) upon compliance with the requirements of Section 4-45 (and Chapter 31, Article V of the Code) and with any conditions imposed by the commission, (ii) if the chauffeur's parole into the United States has not expired or been revoked and (iii) if said chauffeur is authorized to work in the United States at the time of renewal. Each chauffeur issued a chauffeur's registration pursuant to Section 4-45 shall immediately notify the CSD if (a) his/her parole into the United States has expired or been revoked, or (b) he/she is no longer authorized to work in the United States. A chauffeur's registration issued pursuant to Section 4-45 shall be revoked upon notice and hearing as provided in Chapter 31, Article V of the Code if the chauffeur is no longer authorized to work in the United States or said chauffeur's parole into the United States has expired or been revoked.

Sec. 31-306. - Chauffeur's registration—Additional private school bus chauffeur requirements.

- (a) Each chauffeur shall:

- (1) Possess a license issued pursuant to the licensure requirements of Florida Statutes, Chapter 234 and Chapter 6A-3 of the Rules of the Department of Education, as may be amended from time to time~~[[.]]>>; and<<~~
 - (2) Possess a valid American Red Cross Standard First Aid and personal safety course card or its equivalent.
- (b) ~~[[~~(1) ~~The language and testing requirements contained in Section 31-303(d)(2) shall apply to initial private school bus chauffeur applicants, except that said requirements shall not apply to private school bus chauffeur applicants whose primary language is other than English and who transport students who are fluent in the language spoken by the applicant.]]~~
An initial applicant whose primary language is other than English and who transports students who are fluent in the language spoken by the applicant shall be issued a separate chauffeur>>'s<< registration>>.<<[[; such an applicant shall be required to take and pass a separate examination which demonstrates the applicant's ability to communicate in English with emergency personnel in those situations described in this paragraph which pose immediate danger to the health and welfare of the student(s). Such examination shall only test the applicant's ability (1) to notify emergency personnel in the event of an accident, illness, fire, physical injury or trauma, and (2) to minimally describe in English the nature of the emergency. The examination shall consist of a series of hypothetical emergency situations where the applicant is required to identify and/or articulate certain phrases necessary to notify emergency personnel and describe the nature of the emergency.
- (2) Each initial private school bus chauffeur applicant shall take the one-day course and pass the oral and written exam required in Section 31-303(d)(2) demonstrating the applicant's knowledge of Miami-Dade County, traffic regulations, defensive driving techniques and chauffeur responsibilities. Each

~~renewal private school bus chauffeur applicant who, in the most recent two-year period, has been found guilty or pled guilty or nolo contendere to two (2) or more moving violations shall be also be required to take the one-day course and pass the oral and written exam required in Section 31-103(d)(2) demonstrating the applicant's knowledge of Miami-Dade County traffic regulations, defensive driving techniques and chauffeur responsibilities. For separate chauffeur registration applicants whose primary language is other than English and who transport students who are fluent in the language spoken by the applicant, said examination shall be administered in Spanish or Creole.]]~~

Sec. 31-307. - Chauffeur's registration—Additional limousine chauffeur requirements.

Each chauffeur shall comply with the following regulations:

- (1) No chauffeur shall solicit or pick up passengers other than by prearrangement~~[[—through a person located at the limousine license holder's place of business]].~~

Sec. 31-308. - Chauffeur violations—All types.

~~[[(A)]]~~ (a) <<Non-civil violations of Sections 31-303 and 31-305 by nonemergency medical transportation chauffeurs shall be punishable as provided in Section 4-52 of the Code. Civil violations of Section 31-303 and 31-305 by nonemergency medical transportation chauffeurs shall be punishable as provided in Section 8CC-10 of the Code and as provided in Section 4-52 of the Code.

~~[[(B)]]~~ (b) <<Non-civil violations of Sections 31-303 and 31-306 by private school bus chauffeurs shall be punishable as provided in Chapter 30, Section 371 (P) and (Q) of the Code. Civil violations of Sections 31-303 and 31-306 by private school bus chauffeurs shall be punishable as provided in Section 8CC-10 of the Code.

[[[E]]]>>(c)<<Non-civil violations of Sections 31-303 and 31-304 by taxicab chauffeurs shall be punishable as provided in Chapter 31, Article II of the Code. Civil violations of Sections 31-303 and 31-304 by taxicab chauffeurs shall be punishable as provided in Section 8CC-10 of the Code and as provided in Chapter 31, Article II of the Code.

[[[D]]]>>(d)<<Non-civil violations of Section 31-303 by passenger motor carrier chauffeurs shall be punishable as provided in Chapter 31, Article III of the Code. Civil violations of Section 31-303 by passenger motor carrier chauffeurs shall be punishable as provided in Section 8CC-10 of the Code and as provided in Chapter 31, Article III of the Code.

[[[E]]]>>(e)<<Non-civil violations of Section 31-303 by special transportation services chauffeurs shall be punishable as provided in Chapter 31, Article IV of the Code. Civil violations of Section 31-303 by special transportation services chauffeurs shall be punishable as provided in Section 8CC-10 of the Code as provided in Chapter 31, Article IV of the Code.

[[[F]]]>>(f)<<Non-civil violations of Sections 31-303 and 31-307 by limousine chauffeurs shall be punishable as provided in Chapter 31, Article VI of the Code. Civil violations of Sections 31-303 and 31-307 by limousine chauffeurs shall be punishable as provided in Section 8CC-10 of the Code and as provided in Chapter 31, Article VI of the Code.

>>(g) Non-civil violations of Section 31-303 by transportation network entity for-hire chauffeurs shall be punishable as provided in Chapter 31, Article VII of the Code. Civil violations of Section 31-303 by transportation network entity chauffeurs shall be punishable as provided in Section 8CC-10 of the Code and as provided in Chapter 31, Article VII of the Code.<<

~~[[Sec. 31-309. —Chauffeur's registration—Additional passenger motor carrier requirements.~~

- (a) ~~The language and testing requirements contained in Section 31-303(d)(2) shall apply to initial and renewal fixed route or jitney service chauffeur applicants, except that said requirements shall not apply to fixed route or jitney service chauffeur applicants whose primary language is other than~~

~~English. An initial or renewal applicant whose primary language is other than English shall be required to take and pass a separate examination which demonstrates the applicant's ability to communicate in English with emergency personnel and passengers in those situations described in this paragraph which pose immediate danger to the health and welfare of passengers. Such examination shall only test the applicant's ability (1) to notify emergency personnel and communicate with passengers in English in the event of an accident, illness, fire, physical injury or trauma, and (2) to minimally describe in English the nature of the emergency. The examination shall consist of a series of hypothetical emergency situations where the applicant is required to identify and/or articulate certain phrases necessary to notify emergency personnel, communicate with passengers and describe the nature of the emergency.~~

- (b) ~~Each initial and renewal fixed route or jitney service chauffeur applicant shall take the one-day course and pass the oral and written exam required in Section 31-303(d)(2) demonstrating the applicant's knowledge of Miami-Dade County traffic regulations, defensive driving techniques and chauffeur responsibilities. For chauffeur registration applicants whose primary language is other than English, said examination shall be administered in Spanish or Creole.]]~~

Secs. 31-[[310]]>>309<<—31-600. – Reserved.

Section 2. Chapter 31, Article VII of the Code of Miami-Dade County, Florida, is

hereby created as follows:

CHAPTER 31. VEHICLES FOR HIRE

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>>Article VII. LICENSING AND REGULATION OF
TRANSPORTATION NETWORK ENTITIES,
TRANSPORTATION NETWORK ENTITY
FOR-HIRE CHAUFFEURS AND
TRANSPORTATION NETWORK ENTITY
FOR-HIRE VEHICLES

Section 31-701. Definitions.

For purposes of this article, the following definitions shall apply:

- (a) *Applicant* means an individual, partnership or corporation which applies for a transportation network entity license, operating permit, or chauffeur's registration pursuant to the provisions of this Article. "Applicant" shall also mean an individual, partnership or corporation which makes application, where applicable, to renew a transportation network entity for-hire license, an operating permit or a transportation network entity for-hire chauffeur's registration pursuant to the provisions of this Article. In the case of partnerships and corporations, "applicant" shall also mean each individual with a partnership interest, each shareholder of a privately held corporation as well as the corporate officers and directors.
- (b) *Chauffeur's registration* means a registration card issued by the Department.
- (c) *Commission* means the Board of County Commissioners of Miami-Dade County, Florida.
- (d) *County* means Miami-Dade County, Florida.
- (e) *County Mayor* means the head of county government as provided in Article 2 of the Home Rule Charter of Miami-Dade County, Florida.
- (f) *Department* means the Department of Regulatory and Economic Resources or successor department.
- (g) *Digital platform* means any internet-enabled platform, program, or software, including a smartphone or tablet application or website.
- (h) *Director* means the Director of the Department or the Director's designee.

- (i) Operating permit or permit means the valid and current vehicle decal issued to the transportation network entity or transportation network entity for-hire chauffeur, when applicable, which authorizes a specific, registered vehicle to operate for-hire and which may expire, be renewed, be suspended or revoked.
- (j) MDT means the Miami-Dade Transit.
- (k) Passenger means a person utilizing a transportation network entity for-hire vehicle for the purpose of being transported to a destination, or a person who is awaiting the arrival of a transportation network entity vehicle, but does not include the transportation network entity for-hire chauffeur.
- (l) Person means any natural person(s), firm, partnership, association, corporation, or other business entity.
- (m) Personnel authorized by the Department means uniformed enforcement personnel and any other individual authorized by the Director.
- (n) Pearranged or pearrange means an electronic reservation made in advance by the person requesting service through a transportation network entity for the provision of transportation network entity services.
- (o) Solicit means an appeal by bell, horn, whistle, words or gestures by a transportation network entity for-hire chauffeur or his or her agent directed at individuals or groups.
- (p) Street means any public street, avenue, road, boulevard, alley, lane, highway, sidewalk, public park, viaduct or other public place accessible to the public, located in Miami-Dade County and used by motor vehicles.
- (q) Street hail means an immediate arrangement made on a street with a driver by a person seeking immediate transportation.

- (r) *Taxicab stand* means the County-approved location on a public right-of-way for awaiting employment which is specifically marked with a taxicab stand sign. *Taxicab stand* also means a location for awaiting employment authorized and provided by the owner of private property.
- (s) *Transportation network entity* shall mean a natural person(s), firm, partnership, association, corporation, or other business entity that uses a digital platform to, at a minimum, connect passengers to transportation network entity for-hire chauffeurs for the purpose of providing transportation network entity services.
- (t) *Transportation network entity for-hire chauffeur* shall mean a duly licensed driver registered with and authorized by the Department or successor department to use a personal vehicle to provide prearranged transportation network entity services through a transportation network entity using a transportation network entity for-hire vehicle.
- (u) *Transportation network entity for-hire vehicle or transportation network entity vehicle* shall mean a personal vehicle which transports eight passengers or less, which is not a limousine, taxicab, passenger motor carrier or special transportation service motor vehicle regulated by this chapter, that is used by a transportation network entity and transportation network entity chauffeur to provide transportation services.
- (v) *Transportation network entity license* means a license issued by the Department to a transportation network entity authorizing the transportation network entity to, at a minimum, allow transportation network entity chauffeurs to provide transportation network entity services on a prearranged basis using a transportation network entity for-hire vehicle within the incorporated and unincorporated areas of Miami-Dade County, Florida.
- (w) *Transportation network entity services* shall mean the provision of prearranged transportation network entity services by a transportation network entity for-hire chauffeur through a transportation network entity.

- (x) Trade name or doing business as or (d/b/a) name means the County-approved name under which the transportation network entity license holder may provide transportation network entity services and which name shall not duplicate the name of any other transportation network entity license holder or transportation network entity.

Sec. 31-702. Transportation Network Entity License.

- (a) Prohibition against unauthorized operations. It shall be unlawful for any transportation network entity to use, drive, or operate or to cause or permit any person to use, drive, or operate any motor vehicle upon the streets of Miami-Dade County to provide transportation network entity services, or to advertise or cause or permit to be advertised in any print or electronic medium, air wave transmission, telephone directory, or other media accessible to the public within Miami-Dade County that it offers transportation network entity services within Miami-Dade County, without first obtaining a transportation network entity license and maintaining it current and valid pursuant to the provisions of this article.
- (b) Out-of-County origin exception. Nothing in this article shall be construed to prohibit:
- (1) Discharge within Miami-Dade County of any passenger lawfully picked up in another County and lawfully transported into Miami-Dade County; or
 - (2) Pick up of a paratransit passenger by a provider of paratransit services that is duly licensed and legally authorized to provide paratransit services in a county adjacent to Miami-Dade County provided that such county has determined that the passenger is eligible for paratransit services and such passenger is picked up within the ADA-defined areas of Miami-Dade County. A paratransit service provider shall not be required to obtain a Miami-Dade County transportation network entity license for such purpose.
- (c) Application procedures. Every initial application for a transportation network entity license shall be in writing, signed and sworn to by the applicant, and shall be filed with the Department together with an investigative and

processing fee which shall be nonrefundable. If the applicant is a corporation, the form shall be signed and sworn to by the president or vice president, and the corporate secretary shall attest such signature and affix the corporate seal. If the applicant is a partnership, the form shall be signed and sworn to by a general partner. The application shall be on a form provided by the Department and shall contain all information required thereon, including:

- (1) Sufficient information to identify the applicant, including, but not limited to, full legal name and trade name, date of birth, telephone number, business address and residence address, of the applicant. If the applicant is a corporation, the foregoing information shall be provided for each officer, resident agent and director. If the applicant is a partnership, the foregoing information shall be provided for each partner. Post office box address will not be accepted hereunder;
- (2) All applicants shall have a place of business in Miami-Dade County, Florida. All corporate or partnership applicants shall be organized or qualified to do business under the laws of Florida and shall have a place of business in Miami-Dade County, Florida. Post office box addresses will not be accepted;
- (3) The class of transportation service which the applicant desires to furnish;
- (4) The trade name under which the applicant intends to operate;
- (5) A record and proof of all present and prior transportation business activities of the applicant during the past five (5) years;

- (6) A record of all crimes to which the applicant has pled nolo contendere, pled guilty, or of which the applicant has been found guilty or been convicted, whether or not adjudication has been withheld within the five (5) years preceding the date of the application. In the case of a corporate or partnership applicant, this information shall be obtained from all corporate officers and directors or partners, as the case may be;
 - (7) Two (2) credit references including at least one (1) bank where applicant has an active account. In lieu of the second credit reference, the applicant may submit alternative written evidence of financial trustworthiness;
 - (8) A sworn statement signed by the applicant that all information provided by the applicant is true and correct; and
 - (9) Any additional information as the Director shall require to enforce the provisions of this article.
- (d) Investigation of transportation network entity license applicants. The Director shall investigate each application and accompanying required documents and reject any application that is not properly filed or that is incomplete or untrue in whole or in part. The Director may approve or deny the issuance of transportation network entity licenses as specified in this article on such terms and conditions as the public interest may require. The Director's decision to reject or to deny may be appealed in accordance with this article. An applicant shall not be eligible for a transportation network entity license if he/she/it:
- (1) Has misrepresented or concealed a material fact on his, her or its application;
 - (2) Is an alien who is not duly authorized to work by the immigration laws or the Attorney General of the United States;
 - (3) Is a user of alcohol or drugs whose current use would constitute a direct threat to property or the safety of others;

- (4) Has pled nolo contendere, pled guilty, been found guilty or been convicted of a felony within the last five (5) years, regardless of whether adjudication has been withheld, unless his or her civil or residency rights have been restored;
- (5) Has pled nolo contendere, pled guilty, been found guilty or been convicted of any crime wherein a transportation network entity vehicle was employed whether or not adjudication has been withheld;
- (6) Has pled nolo contendere, pled guilty, been found guilty or been convicted of any felony, regardless of whether adjudication has been withheld, involving moral turpitude relating to sex, the use of a deadly weapon, homicide, violence against a law enforcement officer under Section 775.0823, Florida Statutes, or is a habitual violent felony offender under Section 775.084, Florida Statutes;
- (7) Has violated any condition, limitation, or restriction of a transportation network entity license imposed by the Director or Commission where the Director deems the violation to be grounds for denial;
- (8) Was enjoined by a court of competent jurisdiction in Miami-Dade County from engaging in the for-hire business or was enjoined by a court of competent jurisdiction with respect to any of the requirements of this chapter;
- (9) Has as a stockholder, officer, director, or partner of a corporation or partnership committed an act or omission which would be cause for denying a transportation network entity license to the officer, director, stockholder, or partner as an individual;
- (10) Failed to comply with the terms of a cease and desist order, notice to correct a violation or any other lawful order issued in Miami-Dade County;
- (11) Does not have a place of business located in Miami-Dade County, Florida;

- (12) Has any unsatisfied civil penalty or judgment pertaining to transportation network entity services;
 - (13) Has had a transportation network entity license issued by Miami-Dade County revoked;
 - (14) Has within the last five (5) years pled nolo contendere, pled guilty, been found guilty or been convicted of any misdemeanor (regardless of whether adjudication is withheld) involving moral turpitude relating to sex; or
 - (15) Has within the last ten (10) years pled nolo contendere, pled guilty, been found guilty or been convicted (regardless of whether adjudication is withheld) of any offense involving trafficking in narcotics. After said ten-year period, such a person shall only be eligible if and when his or her civil or residency rights have been restored.
- (e) Conditions for obtaining a transportation network entity license. No transportation network entity license shall be issued unless the applicant:
- (1) Has paid an annual license fee established by the Commission;
 - (2) Has provided proof of insurance required by this article; and
 - (3) Has ensured that the transportation network entity for-hire vehicles to be operated under the applicant's transportation network entity license have passed all required vehicle inspections and obtained the required operating permits.

Failure of the applicant to meet all of the foregoing requirements within forty-five (45) days after notification of conditional approval shall cause the license not to be issued. If the applicant believes he, she or it cannot meet the foregoing requirements within the 45-day period, the applicant may, prior to the expiration of the 45-day period, request in writing a reasonable extension from the Director. If the request states good cause for an extension, the

Director may grant such a reasonable extension as the Director finds is in the public interest.

- (f) Number of transportation network entity for-hire vehicles authorized to operate under a transportation network entity license. There shall be no limit to the number of transportation network entity for-hire vehicles authorized to operate under a transportation network entity license.
- (g) Issuance of transportation network entity license. Each transportation network entity license shall be on a form developed by the Department and shall be signed by the Director. Each transportation network entity license shall, at a minimum, contain the name and the business address of the license holder, date of issuance, its expiration date and such additional terms, conditions, provisions and limitations as were imposed during the approval process.
- (h) Expiration of and renewal process for transportation network entity license. Transportation network entity licenses may be issued for such periods as specified in the resolution or ordinance establishing the fees. Each renewal shall be submitted no less than thirty (30) days prior to expiration of the current initial or annual transportation network entity license together with payment of a license fee. As part of the renewal process, the original application shall be updated and verified by the applicant on forms supplied by the Department. The Director shall deny any renewal application that is not timely, is not properly filed, is incomplete, is untrue in whole or in part, or results in a determination by the Director that the applicant has failed to satisfy the requirements of subsections 31-702 (c), (d) or (e). Appeal of the denial of a renewal application shall be in accordance with this chapter.
- (i) Grace period. A transportation network entity license holder shall have a grace period of up to thirty (30) days after expiration of his, her or its transportation network entity license in which to renew same provided, however, that all operations shall cease on the date of license expiration and the license holder shall also pay a late fee over and above the annual license fee. All transportation network entity licenses which have not been renewed on or before thirty (30) days after their expiration shall automatically be deemed revoked.

(j) Rules of operation. Transportation network entity license holders shall abide by all rules and regulations applicable to transportation network entity license holders and shall be subject to the enforcement provisions contained in this chapter and chapter 8CC of the Miami-Dade County Code. A transportation network entity license holder and her, his or its agents shall comply with the following regulations:

- (1) Comply with applicable federal law, Florida law, and ordinances, rules and regulations of the County applicable to the operation of transportation network entity for-hire vehicles;
- (2) Immediately report any change of address;
- (3) Maintain all records pertaining to the transportation network entity services of any transportation network entity for-hire vehicle operating in Miami-Dade County for three (3) years and make same available for inspection during the regular business hours of such entity. When requested by the Department, the transportation network entity shall make such records available electronically;
- (4) Not allow any person to operate a transportation network entity for-hire vehicle on the transportation network entity's digital platform who does not meet the requirements set out in this chapter;
- (5) Not allow or permit any person to operate a transportation network entity for-hire vehicle without current, valid and sufficient insurance coverage as required in this chapter;
- (6) Ensure that an operating permit is obtained for each transportation network entity for-hire vehicle operated pursuant to authority of the transportation network entity license;
- (7) Not allow or permit any transportation network entity for-hire chauffeur or other person to operate any transportation network entity for-hire vehicle without that vehicle's current valid operating permit being displayed therein;

- (8) Not allow any person to operate a transportation network entity for-hire vehicle who is not a Miami-Dade County registered transportation network entity for-hire chauffeur in accordance with this article;
- (9) Ensure that all transportation network entity for-hire vehicles to be placed into service and all vehicles taken out of service have been inspected as provided in this article;
- (10) Not allow or permit anyone to drive any transportation network entity for-hire vehicle unless the brakes, steering mechanism, tires, horn, windshield wipers, side and rearview mirrors and all lighting devices are in good working order and the vehicle meets all other applicable vehicle standards as set forth in this chapter;
- (11) Not allow or permit any person to operate a transportation network entity for-hire vehicle while his or her ability or alertness is so impaired or so likely to become impaired through fatigue, illness, or any other cause, as to make it unsafe for the transportation network entity for-hire chauffeur to begin or continue to drive the transportation network entity for-hire vehicle;
- (12) Not refuse or neglect to transport to or from any place in the county, any orderly person requesting service;
- (13) Ensure that every deaf or hard of hearing person, totally or partially blind person, or disabled person shall be permitted to be accompanied by a service animal specially trained for the purpose without being required to pay an extra charge for the service animal;

- (14) Every transportation network entity license holder shall ensure that any transportation network entity for-hire chauffeur operating an accessible vehicle is certified in the safe and proper methods of securing, transporting, and dealing with passengers utilizing a wheelchair. Proof of certification shall be made available to the Department upon request;
- (15) It shall be unlawful for any person to use, drive or operate an accessible transportation network entity for-hire vehicle without training in the safe and proper methods of securing, transporting, and dealing with passengers utilizing a wheelchair;
- (16) In order to ensure an adequate number of wheelchair accessible transportation network entity for-hire vehicles, each transportation network entity shall ensure that at least one (1) percent of the transportation network entity for-hire vehicles providing transportation network entity services at any given time are wheelchair accessible;
- (17) If a transportation network entity operates at Miami International Airport or Port of Miami, such transportation network entity shall utilize a system to identify all transportation network entity vehicles picking up passengers at Miami International Airport and Port of Miami, as applicable, and keep records of such trips for the preceding three (3) years, certify annually that all fees have been paid and allow audits of relevant documents two (2) times a year. For purposes of this article, the Miami Intermodal Center shall be considered part of Miami International Airport. If the Director of Miami International Airport or the Director of the Port of Miami determines that a transportation network entity has failed to account accurately for the fees to be paid pursuant to the implementing order establishing fees, the transportation network entity shall implement a technological solution or implement other procedures that the Director of Miami International Airport or the Director of the Port of Miami determines is sufficient to verify the number of pickups at Miami International Airport or the Port of Miami. Notwithstanding this

subsection, the Mayor or Mayor's designee is authorized to enter into an operating agreement with a transportation network entity operating at Miami International Airport and Port of Miami, as applicable, in order to set forth terms and conditions of a transportation network entity's access, operations and responsibilities as it pertains to those facilities.

(18) Each transportation network entity shall make available to the Director or Director's designee for review at the transportation network entity's local office financial documentation relating to fees charged and/or collected at Miami International Airport and the Port of Miami, which shall include, among other things, the number of pickups at Miami International Airport and Port of Miami; provided that, if a transportation network entity and the County enter into an operating agreement under Section 31-702(j)(17), the transportation network entity's recordkeeping and reporting obligations shall be governed by that operating agreement.

(19) Shall not permit or allow any transportation network entity for-hire chauffeur to utilize any areas designated solely for use by taxicabs.

(20) A transportation network entity shall not allow or permit any transportation network entity vehicle to display the word(s) "taxicab", "taxi", or "cab" on the exterior or interior of the vehicle.

(21) Transportation network entities and transportation network entity drivers shall comply with all applicable requirements of the Americans with Disabilities Act of 1990, as amended.

(k) Responsibility for violations of chapter. The holder of a transportation network entity license shall be held responsible for any applicable violation of this article arising from the operation of a transportation network entity for-hire vehicle authorized under the holder's transportation network entity license and shall be subject to the penalties provided in this chapter for any such violation. In addition, his, her or its license shall be subject to

suspension or revocation for any such violation. Charges against or penalties imposed on a transportation network entity for-hire chauffeur for the same or related violations shall not relieve the transportation network entity license holder of responsibility under this article.

- (l) All fees required to be paid pursuant to this article by a transportation network entity shall be established by a resolution or ordinance adopted by the Commission.
- (m) Transfers. No transportation network entity license may be sold, leased, assigned, mortgaged or otherwise transferred by a holder of a transportation network entity license.
- (n) Each transportation network entity operating pursuant to a transportation network entity license:
 - (1) Shall, upon completion of a trip, transmit an electronic receipt to the passenger's e-mail address or mobile application documenting the date of the trip, the origination of the trip, the full name of the transportation network entity for-hire chauffeur and a description of the total amount paid, if any;
 - (2) Shall maintain a website that provides a customer service telephone number or e-mail address.
- (o) There shall be no limit on the number of transportation network entity licenses that may be issued pursuant to this chapter.
- (p) An initial applicant shall not be eligible for a transportation network entity license if there are any outstanding citations issued pursuant to Section 8CC-10 of the Code to drivers who transported passengers for compensation over the streets of Miami-Dade County, using the applicant's digital platform. The Mayor is directed not to enter into a settlement agreement for less than the full amount of the fines for any outstanding citations referred to in the preceding sentence or dismiss any such citations not included in a settlement agreement without prior approval of the Board of County Commissioners.

- (q) Each transportation network entity shall enter into a written agreement with each transportation network entity for-hire chauffeur it allows to provide transportation network entity services. The agreement shall include, among other things:
- (a) An express duration of the agreement;
 - (b) The requirements that must be satisfied to provide transportation network entity services for the transportation network entity;
 - (c) The compensation to be paid each transportation network entity for-hire chauffeur;
 - (d) The grounds for suspension or termination of a transportation network entity for-hire chauffeur by the transportation network entity; and
 - (e) An internal appellate process implemented by each transportation network entity whereby a transportation network entity for-hire chauffeur may appeal a suspension or termination.

Sec. 31-703. Transportation Network Entity For-hire Chauffeurs.

It shall be unlawful for any person to drive a transportation network entity for-hire vehicle or to otherwise provide transportation network entity services over any street in Miami-Dade County without first having obtained a transportation network entity for-hire chauffeur's registration from the Department pursuant to Chapter 31, Article V of the Code of Miami-Dade County. An applicant shall not be eligible for a chauffeur's registration if there are any outstanding citations issued to the applicant pursuant to Section 8CC-10 of the Code for a violation of Chapter 31 of the Code. Any person who held a Miami-Dade County chauffeur's registration at the time he or she received any citations referred to in the preceding sentence shall not have his or her chauffeur's registration subject to suspension or revocation as long as all outstanding citations have been paid within 60 days of the due date for paying such fine as specified on the civil violation notice, or within 60 days of the date of the final outcome of any timely filed appeal of such violation notice, or within 30 days of the withdrawal of a timely filed appeal pursuant to Chapter 8CC, whichever is later.

**Sec. 31-704. Duties of Regulatory and Economic Resources
Department or successor department**

- (a) In addition to the duties and responsibilities specified in this Article, the Department shall be charged with the following duties and responsibilities:
- (1) Process, investigate and prepare all reports required by this article;
 - (2) Investigate and prepare reports on alleged violations of this article;
 - (3) Enforce the provisions of this article;
 - (4) Attempt to resolve complaints received from any source concerning the industry;
 - (5) In addition to the enforcement of this article, issue, deny, suspend and revoke all transportation network entity licenses pursuant to the provisions of this Chapter, and maintain appropriate files regarding same;
 - (6) Develop and implement, in cooperation with the industry, service expansion and improvements;
 - (7) Provide technical assistance to the industry;
 - (8) Develop a standardized reporting technique for transportation network entities;
 - (9) Provide a system to handle complaints of municipal officials relating to transportation network entity services within such municipalities and expedite the solution of same;
 - (10) Perform any other functions assigned by the County Mayor;
 - (11) Coordinate cooperative enforcement activities with municipalities, including implementing procedures for the disposition of fine revenues collected;

- (12) Prepare and implement changes, amendments or modifications to implementing orders establishing fees pursuant to this article and provide the industry with at least ten (10) days notice prior to consideration of such changes, amendments or modifications by the Board other than when approved by the Commission as part of the annual budget approval process;
- (13) Upon court order have closed and sealed unlicensed service provider establishments in accordance with this Article;
- (14) The Director may propose and the County Mayor may promulgate further rules and regulations to carry out the provisions of this article, which rules and regulations, when approved by the Commission, shall have the force and effect of the law;
- (15) The Commission may approve fees for transportation network entity for-hire vehicles providing transportation of persons and their baggage to and from Miami International Airport and to and from the Port of Miami; and
- (16) In addition to the fees established pursuant to Section 31-704(15), all fees charged or required to be paid shall be established by the Commission. Such fees shall be deposited in a separate Miami-Dade County fund and shall be used exclusively to accomplish the regulatory purposes of this article. The amount of each fee established hereunder shall be reasonably related to the cost of the services and regulation provided therefor.

Sec. 31-705. Rules for operation.

- (a) Each transportation network entity shall adopt and require all transportation network entity for-hire chauffeurs to display consistent trade markings (i.e., distinctive signage or display on the vehicle) when providing transportation network entity services.
- (b) No transportation network entity for-hire vehicle or chauffeur shall utilize a designated taxicab stand or any areas designated solely for taxicabs.
- (c) A transportation network entity license holder shall not allow a transportation network entity for-hire chauffeur to solicit or pick up passengers other than by prearrangement through the transportation network entity. Transportation network entity for-hire chauffeurs shall not solicit passengers or pick up passengers other than by prearrangement through the transportation network entity.
- (d) A transportation network entity license holder shall not allow a transportation network entity for-hire chauffeur to solicit or accept street hails. Transportation network entity for-hire chauffeurs shall not solicit or accept street hails.
- (e) Transportation network entity for-hire chauffeurs shall not display the word(s) "taxicab", "taxi" or "cab" on the exterior or interior of the vehicle.
- (f) Every transportation network entity and transportation network entity for-hire chauffeur shall fully comply with all ordinances, rules and regulations of the County applicable to the operation of transportation network entity vehicles.
- (g) The computer application used by a transportation network entity to connect transportation network entity for-hire chauffeurs and passengers shall display the full name of the transportation network entity for-hire chauffeur, and a picture of the transportation network entity for-hire vehicle, including the license plate number so that the passenger can easily identify the vehicle.
- (h) All transportation network entities shall implement a zero tolerance policy on the use of drugs or alcohol while a transportation network entity for-hire chauffeur provides

transportation network entity services, provide notice of the zero tolerance policy on its website, as well as the procedures to report a complaint, including a complaint telephone number, about a transportation network entity for-hire chauffeur with whom the rider was matched and for whom the rider reasonably suspects was under the influence of drugs or alcohol during the course of the ride.

- (i) Each transportation network entity shall maintain accurate records of financial and operating information as may be required by the Department. The Department shall be granted access to these records for the purpose of inspecting same upon five (5) days' prior notice. Such records shall be maintained for three (3) years.
- (j) Transportation network entities shall adopt a policy of nondiscrimination on the basis of a person's race, sex, religion, national origin, age, marital status, sexual orientation, gender identity or expression, pregnancy, disability, or political affiliation, and shall notify transportation network entity for-hire chauffeurs of such policy. It shall be a violation of this article for a transportation network entity for-hire chauffeur to fail to comply with this policy.
- (k) Transportation network entities and transportation network entity for-hire chauffeurs shall not charge a higher fare or additional fee to a person who is disabled based on the person's disability or use of a support animal, wheelchair, or other mobility assistance device. Transportation network entities shall provide passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle.
- (l) Each transportation network entity shall maintain a physical office in Miami-Dade County, Florida, that is open to the public, at a minimum, from 9:00 a.m. to 5:00 p.m. on weekdays.
- (m) Transportation network entity license holders shall upon request provide documentation identified by the Department to investigate and resolve a compliance inquiry.

- (n) A transportation network entity driver shall not drive any transportation network entity vehicle unless the brakes, steering mechanism, tires, horn, windshield wipers, side and rearview mirrors, and all lighting devices are in good working order and the vehicle meets all other applicable vehicle standards as set forth in this article.
- (o) No transportation network entity chauffeur shall refuse or neglect to provide transportation network entity services to any orderly person requesting such services and able and willing to pay for such services, regardless of the requested destination, or on account of that person's race, sex, religion, national origin, age, marital status, sexual orientation, gender identity or expression, pregnancy, disability, color, or political affiliation.
- (p) A transportation network entity shall not block or otherwise interfere with the Department's ability to access the transportation network entity's digital platform as a user in order to request a ride from a transportation network entity chauffeur to monitor compliance with the provisions of this article.
- (q) Failure by a transportation network entity, transportation network entity for-hire chauffeur or a transportation network entity for-hire vehicle to comply with the provisions of this Section may result in revocation or suspension of the transportation network entity license.

Sec. 31-706. Fares and rates.

Transportation network entities may charge fares or rates for transportation services based on distance travelled and/or time elapsed during service, or a flat prearranged fare. It shall be unlawful for any transportation network entity or transportation network entity for-hire chauffeur to charge, demand, request or accept any fare or rate different from the rates established pursuant to this article.

Sec. 31-707. Insurance requirements.

- (a) No transportation network entity for-hire vehicle shall be permitted to operate by a transportation network entity without the owner or lessee of the vehicle providing transportation network entity services having first obtained and filed with the Department a certificate of insurance on

forms provided by the Department showing the federal vehicle identification number, a vehicle description and the transportation network entity license number, and shall list the transportation network entity license holder, the transportation network entity for-hire chauffeur authorized to operate the vehicle and the owner of the vehicle as insureds under an automobile liability insurance policy with limits of liability no less than one hundred twenty-five thousand dollars (\$125,000) per person, and two hundred fifty thousand dollars (\$250,000) per occurrence for bodily injury, and fifty thousand dollars (\$50,000) per occurrence for property damage. Additionally, the certificate of insurance shall specify coverage for complete 24-hour vehicle operations for all transportation network entity for-hire drivers who have a Miami-Dade County chauffeur's registration and operate said vehicle, regardless of where operated or whether engaged in for-hire operations, and shall state the limits of automobile liability and property damage coverage. Failure to provide current certificates of insurance or to maintain appropriate insurance coverage for each transportation network entity for-hire vehicle shall be grounds for suspension or revocation of that vehicle's for-hire operating permit.

- (b) Scope of insurance. The insurance required in this Section shall be issued by an insurer that is a member of the Florida Insurance Guaranty Association. Insurance coverage shall be for a policy term of at least six (6) months. Nothing in the insurance policy or declaration shall permit binders, deductibles, self-insurance or any provision requiring the insured to reimburse the insurance company for claims.
- (c) Each automobile liability insurance policy shall be endorsed to provide for thirty (30) days' notice by registered mail to the Department of any material change, cancellation, or expiration. No policy will be accepted for a shorter period than six (6) months.
- (d) Unless the owner or lessee of a transportation network entity for-hire vehicle furnishes the Department with satisfactory evidence of the required insurance coverage prior to the expiration of the thirty (30) days' notice specified in subsection (c) of this section, or upon a third notice of cancellation within twelve (12) months, the

vehicle's operating permit shall be suspended forthwith by the Director and surrendered to the Department pending a hearing to determine whether said operating permit should be revoked. This automatic suspension requirement will not apply to the operating permit of a transportation network entity for-hire vehicle when the owner's or lessee's insurer withdraws from Florida and cancels its policies, or when the policy is canceled through no fault of the chauffeur.

- (e) Examination of Insurance Policy. The Department reserves the right to require submission of a certified copy of or to examine the original policies of insurance including but not limited to endorsements, amendments, exclusions, riders, any additional contracts between the insured and the insurer and applications to confirm the existence of the required insured coverage.

Sec. 31-708. Vehicle Standards.

There shall be no limitation on the vehicle age of transportation network entity for-hire vehicles. Any vehicle placed into service shall not have been previously used as a taxicab, or have a "rebuilt" or "salvage" title. In addition to the applicable Federal Motor Vehicle Safety requirements in 49 Code of Federal Regulations, Part 571 and Florida Statutes, the following vehicle standards apply to all transportation network entity for-hire vehicles operated under the provisions of this article. It is the transportation network entity's and transportation network entity for-hire chauffeur's responsibility to insure that each vehicle meets the following standards and minimum inspection requirements:

- (a) Brakes within allowable parameters as provided by test equipment readings for stopping effectiveness. There shall be no leaks in lines, hoses, fittings, or parts; hoses shall not be cracked or frayed and there shall be no audible air leaks in air brake system;
- (b) License, permit or inspection decals, as applicable, shall be correctly displayed and be clearly visible from the outside of the vehicle;

- (1) Transportation network entity for-hire chauffeur registration, operating permit number, and any additional information as may be required shall be displayed within the vehicle in accordance with the instructions of the Department;
- (2) Vehicle signage and markings shall be as required by this article;
- (c) Inside rear-view mirror and a mirror on each side of transportation network entity for-hire vehicle shall be in working order;
- (d) A functioning speedometer and odometer indicating speed in miles per hour and a functioning odometer indicating distance in miles;
- (e) Functioning windows, door handles and latches. The primary and secondary hood/trunk/rear access door latches shall be fully operable;
- (f) A functioning interior light within the passenger compartment. If the light becomes defective, the transportation network entity for-hire chauffeur must correct the defect on the very next day or remove the transportation network entity for-hire vehicle from service at that time;
- (g) An operating air-conditioning system that provides cooled and heated air. If the air-conditioning system becomes inoperable, the transportation network entity for-hire vehicle must be removed from service until such system is repaired. Maximum output temperature will be based on a sliding scale chart which takes outside air temperature and relative humidity into account. Output temperature will be taken at center duct with controls set for maximum cooling;
- (h) The transportation network entity for-hire vehicle exterior must be free of grime, oil or other substances and free from cracks, breaks, dents and damaged paint that detract from the overall appearance of the transportation network entity for-hire vehicle and that could harm, injure, soil or impair the passenger or his or her personal belongings;

- (i) Equipped with hubcaps or wheelcovers, on all four (4) wheels. If hub caps and wheel covers are not on the transportation network entity for-hire vehicle, the transportation network entity for-hire chauffeur must put them on the vehicle the next day;
- (j) Bumpers/moldings/guards shall be installed/replaced as originally manufactured except for moldings on side panel doors;
- (k) The interior of the trunk or rear portion of the transportation network entity for-hire vehicle shall be free from dirt, grime, oil, trash, or other material which could soil items placed therein and free of protruding metal or other objects that could damage items placed therein;
- (l) The passenger compartment must be clean, free from torn or otherwise damaged upholstery or floor coverings, damaged passenger compartment surfaces, including armrests, headrests and dashboard, damaged or broken seats, and protruding sharp edges. Any damage as described in the preceding sentence shall be replaced or repaired. All equipment in the interior of the transportation network entity for-hire vehicle shall be safely and adequately secured. There shall be no holes opening to the passenger compartment from the underbody;
- (m) A horn which shall be audible from a reasonable distance;
- (n) The driver's vision must be unobstructed on all four (4) sides;
- (o) Safe tires and no recaps shall be used. Maximum allowable treadwear shall be where tread is level with wear bar, or 2/32" when measured at three random places in tire tread. The tires shall be inflated to manufacturer's specifications and free of cuts, cracks, bulges or exposed belts;
- (p) Front-end and rear-end alignment shall be within allowable parameters as provided by test equipment readings for alignment;
- (q) Wiper blades must be able to clean glass when wet and the rubber element shall not be torn, ripped, or loose;

- (r) All lights shall be operable including 4-way flasher, turn and signal, clearance, warning, marker, brakes, taillight, license plate, backup and parking light. All lights must be of correct color and properly positioned as required by Florida Statutes and this Article. All dome lights must be operable with lens in place;
- (s) Reflectors and lenses shall not be cracked or missing and must be of correct color and properly positioned;
- (t) Headlights, low and high beam, shall be operable, and within test equipment allowable readings;
- (u) Glass shall not be broken or cracked and chips must be ground out, leaving a smooth, clear finish;
- (v) Doors shall be operable with all weather stripping and rubber seals;
- (w) Vehicle steering and suspension shall be functional;
- (x) Seatbelts for all persons transported shall be in place and functional;
- (y) Accessible transportation network entity for-hire vehicles shall have posted the international symbol of accessibility for disabled persons in the manner prescribed by the Department and shall be equipped with the following:

Ramp or lift facility which is operated electrically, hydraulically or manually with sufficient capacity to safely and smoothly lift passengers into and out of the transportation network entity for-hire vehicle and is in compliance with the lift and ramp requirements of the Americans with Disabilities Act;

For each wheelchair passenger transported, there shall be four (4) points of securement of latching or locking to the transportation network entity for-hire vehicle and the wheelchair in which the passenger will ride. The latching or locking devices shall be designed to minimize any lateral, longitudinal, or vertical motion of the passenger conveyance within the vehicle; and

For each wheelchair passenger being transported, there shall be sufficient restraining belts or straps designed to securely confine the passenger to the wheelchair in which he or she is transported. The restraining belts or straps shall be utilized;

- (z) Transportation network entity for-hire vehicles shall not display the word(s) "taxicab," "taxi" or "cab" on the vehicle exterior or interior and shall not be equipped with a taximeter;
- (aa) Advertisement on behalf of third parties may be displayed on the outside or inside of a transportation network entity for-hire vehicle provided approval is given by the Department and any display is installed pursuant to instructions of the Department; and
- (bb) Each transportation network entity shall utilize a passenger rating system which shall allow each passenger to rate the transportation experience and the transportation network entity for-hire chauffeur.

Transportation network entity for-hire vehicle permits and inspection schedules. It shall be unlawful for any person to drive a transportation network entity for-hire vehicle over any public street in Miami-Dade County without first having obtained a vehicle permit from the Department. Transportation network entity vehicles shall display an operating permit issued by the Department and shall minimally meet the following inspection schedule.

All transportation network entity for-hire vehicles shall be inspected to ensure compliance with the requirements of this chapter by a Department-approved American Advanced Technicians Institute ("AATI") or National Institute for Automotive Service Excellence ("ASE") certified master mechanic or automobile technician at a Division-approved licensed auto repair shop. Transportation network entity for-hire vehicles shall be inspected prior to receiving an operating permit and in accordance with the following schedule provided, however, that the Department may inspect a transportation network entity for-hire vehicle for compliance with the provisions of this chapter at any time:

- (1) Transportation network entity for-hire vehicles that are not more than six (6) model years old shall be inspected annually; and
- (2) Transportation network entity for-hire vehicles that are six (6) model years old or older shall be inspected semiannually.

The results of each inspection shall be recorded by the mechanic or automobile technician on an inspection form prescribed by the Department, which completed form shall be provided to the Department by the transportation network entity for-hire chauffeur or the transportation network entity within ten (10) business days after the inspection. The inspection form shall indicate whether the vehicle has met all of the safety and maintenance requirements of Section 31-708. The technician completing the form and inspection must provide his or her ASE or AATI certification number, the expiration date of his or her certification, the name and license number of the auto repair facility where the inspection was performed, and his or her signature as verification that all information provided is true and correct. This information must be recorded on the inspection form for each vehicle inspected. Any vehicle which passes the inspection shall be issued an operating permit upon completion of the required forms and payment of the appropriate fee. Any vehicle failing to pass an inspection or timely report the results of an inspection by providing a completed inspection form to the Department may have its operating permit suspended in accordance with the provisions of this chapter. It shall be a violation of this chapter to fail to use a Department-approved certified technician to inspect vehicles or to submit false inspection forms to the Department. The Department may verify information and inspection forms submitted to the Department by the transportation network entity for-hire chauffeur or the transportation network entity. A transportation network entity or transportation network entity for-hire chauffeur who fails or does not follow the requirements of this Section is subject to citations pursuant to Section 8CC-10 of the Code, denial, revocation, or suspension of the vehicle's operating permit and decals and denial of renewal of same.

Every holder of a transportation network entity license and each driver authorized to operate by a transportation network entity shall fully comply with all ordinances, rules, and regulations of Miami-Dade County and all statutes of the State of Florida applicable to the operation of motor vehicles and vehicle standards. Notwithstanding the foregoing, the Department and any other person authorized to enforce this article pursuant to Section 31-709 may inspect a transportation network entity for-hire vehicle at any time to confirm compliance with this Section. Upon notification by the Department, the transportation network entity shall suspend the authorization of any transportation network entity for-hire chauffeur whose vehicle fails an inspection until the driver demonstrates that his or her vehicle has passed an inspection pursuant to this article.

Sec. 31-709. Enforcement of article.

- (a) This article shall be enforced by authorized personnel of the Department, the law enforcement forces of the various municipalities in Miami-Dade County and by the Miami-Dade Police Department and other enforcement officers as permitted by State law or this Code. When specifically authorized by the Director, this article may be enforced by personnel of the Seaport and Aviation Department against violations occurring within their respective boundaries. The Department shall prepare and distribute to all authorized enforcement personnel an enforcement manual outlining procedures for the detection, reporting and issuance of citations or deficiency reports for violations of this article.
- (b) The Department may employ a deficiency or warning system through which transportation network entities or transportation network entity for-hire chauffeurs are given written notice of minor violations and a specified period of time to correct same. Unless otherwise provided, all other violations shall be processed under chapter 8CC of the Code.
- (c) Deficiency reports and citations shall be issued to the party responsible for the violation as set forth in this article. Any person issued a deficiency report or a citation shall sign and accept it.

- (d) Notwithstanding the provisions of this section, the Director may secure enforcement of the provisions of this article by any legal action necessary, such as application to any court for injunctive relief or other appropriate relief.

Sec. 31-710. Suspension and revocation proceedings.

- (a) Grounds for suspension or revocation. In addition to the grounds for automatic suspension or revocation provided elsewhere in this chapter, transportation network entity licenses, transportation network entity for-hire chauffeur's registrations and operating permits shall be subject to suspension or revocation by the Director as follows:

- (1) Upon the Director's determination that:

- (i) The transportation network entity license holder, transportation network entity for-hire chauffeur or operating permit holder has pled nolo contendere, pled guilty, been found guilty or been convicted (regardless of whether adjudication has been withheld) of any criminal offense which would preclude the issuance of a transportation network entity license, registration or permit as provided in this chapter;
- (ii) The transportation network entity license, transportation network entity chauffeur or operating permit was obtained by an application in which any material fact was omitted or falsely stated;
- (iii) The transportation network entity license holder, transportation network entity for-hire chauffeur or operating permit holder has failed to comply with or has violated any provision of this chapter;

- (iv) The public interest will best be served by revocation or suspension of the transportation network entity license, transportation network entity for-hire chauffeur's registration or operating permit provided, however, that good cause be shown;
 - (v) The transportation network entity license, transportation network entity chauffeur's registration or operating permit renewal application does not comply with the requirements of this chapter; or
 - (vi) Any transportation network entity for-hire vehicle has been operated in violation of this chapter.
- (b) Notice of suspension or revocation action. Except where this chapter provides for automatic suspension or revocation, the Director shall provide notice of suspension or revocation to the violator by certified mail ten (10) days before the violator must comply with the Director's decision.
- (c) Appeals from decisions of Director and administrative hearings.
 - (1) Right to appeal. Any transportation network entity license holder or transportation network entity for-hire chauffeur shall have the right to appeal application denials, suspensions and revocations by the Director. The named party shall elect to either:
 - (a) Comply with the Director's decision in the manner indicated on the Notice of Director's Decision; or
 - (b) Request an administrative hearing before a hearing officer to appeal the decision of the Director.

- (2) Filing the appeal. Appeal by administrative hearing shall be accomplished by filing within ten (10) days after the date of the decision complained of a written notice of appeal to the Clerk of the Courts, Code Enforcement Section. The notice of appeal shall set forth concisely the nature of the decision appealed and the reasons or grounds for appeal.
- (3) Failure to appeal. Failure to appeal the decision of the Director within the prescribed time period shall constitute a waiver of the person's right to an administrative hearing before the hearing officer. Where the Director's decision involves a suspension or revocation, a waiver of the right to an administrative hearing shall be treated as an admission of the violation and the Director's decision shall be deemed final and enforceable. No further remedies shall be granted and the decision shall stand.
- (4) Hearing officers. Hearing Officers shall be appointed by the Clerk of the Courts, Code Enforcement Section.
- (5) Scheduling and conduct of hearing.
 - (a) Upon receipt of a timely request for an administrative hearing, the hearing officer shall set the matter down for hearing on the next regularly scheduled hearing date or as soon as possible thereafter or as mandated in the specified section of the Code.
 - (b) The hearing officer shall send a notice of hearing by first class mail to the named party at his, her or its last known address. The notice of hearing shall include but not be limited to the following: place, date and time of the hearing; right of the named party to be represented by a lawyer; right of the named party to present witnesses and evidence; in the case of a Director's decision involving suspension or revocation, notice that failure of the named party to attend the hearing shall be deemed a waiver of the

right to hearing and an admission of the acts specified in the notice; and notice that requests for continuances will not be considered if not received by the hearing officer at least ten (10) calendar days prior to the date set for hearing.

- (c) The hearing officers shall call hearings on a monthly basis or upon the request of the Director. No hearing shall be set sooner than fifteen (15) calendar days from the date of notice of the Director's decision, unless otherwise prescribed by this Chapter.
- (d) A hearing date shall not be postponed or continued unless a request for continuance, showing good cause for such continuance, is received in writing by the hearing officer at least ten (10) calendar days prior to the date set for the hearing. No additional continuances shall be granted without concurrence of the Director.
- (e) All hearings conducted by a hearing officer shall be open to the public. All testimony shall be under oath. If the named party has been properly notified, a hearing may proceed in the absence of the named party and the failure to attend a hearing shall be deemed a waiver of the right to a hearing and an admission of the acts specified in the notice.
- (f) The proceedings at the hearing shall be recorded and may be transcribed at the expense of the party requesting the transcript.
- (g) The Clerk of the Commission shall provide clerical and administrative personnel as may be reasonably required by each hearing officer for the proper performance of his or her duties.

- (h) Each case before a hearing officer shall be presented by the Director or his or her designee.
- (i) The hearing need not be conducted in accordance with the formal rules relating to evidence and witnesses.
- (j) Each party shall have the right: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any relevant matter; to impeach any witness regardless of which party first called him or her to testify; and to rebut the evidence against him or her. All relevant evidence shall be admitted.
- (k) The hearing officer shall make findings of fact based on the evidence of record. In order to make a finding upholding the Director's decision the hearing officer must find that a preponderance of the evidence supports the Director's decision and, where applicable, indicate that the named party was responsible for the violation of the relevant section of the Code as charged.
- (l) If the Director's decision is affirmed the named party may be held liable for the reasonable costs of the administrative hearing.
- (m) The fact-finding determination of the hearing officer shall be limited to whether the alleged violation occurred or whether competent, substantial evidence supports the Director's decisions. Based upon this fact-finding determination, the hearing officer shall either affirm or reverse the decision of the Director. If the hearing officer affirms the decision of the Director, the named party shall have fifteen (15) days from the date of the hearing officer's decision to comply with the decision of the Director. If the hearing officer reverses the

decision of the Director and finds (1) the named party not responsible for the violation alleged; or (2) insufficient basis for the denial of application, a written decision shall be prepared setting forth the basis for such determination. If the hearing officer reverses the decision of the Director, the named party shall not be required to comply with the decision of the Director, absent reversal of the hearing officer's findings pursuant to this article. If the decision of the hearing officer is to affirm, then all of the following shall be included in the decision:

- (a) Decision of the Director.
- (b) Administrative costs of the hearing.
- (c) Date for compliance, if applicable.

(n) The hearing officer shall have the power to:

- (a) Adopt procedures for the conduct of hearings;
- (b) Subpoena alleged violators and witnesses for hearings; subpoenas may be served by the Miami-Dade Police Department or by the hearing officer's staff;
- (c) Subpoena evidence; and
- (d) Take testimony under oath.

(6) Appeals.

- (a) The named party or the County may appeal a final order of the hearing officer by filing a notice of appeal in the Circuit Court in and for Miami-Dade County, Florida, in accordance with the procedures and within the time provided by the Florida Rules of Appellate Procedure for the review of administrative action.

- (b) Unless the findings of the hearing officer are overturned in a proceeding held pursuant to this Article, all findings of the hearing officer shall be admissible in any further proceeding to compel compliance with the Director's decision.
- (7) Nothing contained in this Chapter shall prohibit Miami-Dade County from enforcing the Code by any other means authorized by law. The enforcement procedures outlined herein are cumulative to all others and shall not be deemed to be prerequisites to filing suit for the enforcement of any section of this Code. The words "action" and "decision" as used herein shall not include the filing of any action by the Director in any court. The Director may reconsider at any time any action or decision taken by the Director and therefore may modify such an action or decision.

Sec. 31-711. Violations; penalties.

In addition to any other penalties provided by law, including, but not limited to, those provided in this Article, a violation of any applicable provision of this Article by a transportation network entity license holder or a transportation network entity for-hire chauffeur shall constitute a civil offense punishable by the applicable civil penalty as provided in the schedule of civil penalties in Section 8CC-10 of this Code. Failure of a transportation network entity or transportation network entity for-hire chauffeur to pay a civil penalty within sixty (60) days of the due date for paying such fine as specified on the civil violation notice, or within sixty (60) days of the date of the final outcome of any timely filed appeal of such violation notice, or within 30 days of the withdrawal of a timely filed appeal pursuant to chapter 8CC, whichever is later, shall result in automatic suspension of such transportation network entity license or transportation network entity for-hire chauffeur's registration. If a transportation network entity for-hire chauffeur commits five (5) violations of the same section of this chapter during any twelve-month period, the

transportation network entity for-hire chauffeur shall be automatically suspended. If a transportation network entity for-hire chauffeur commits five (5) violations of this chapter during any twelve-month period, such transportation network entity for-hire chauffeur may be suspended for a period of up to six (6) months or revoked.

Sec. 31-712. Special provisions.

- (a) The provisions of this article shall be the exclusive regulations applicable to the provision of and operation of transportation network entity services in Miami-Dade County. Regulations established by this Article shall be uniform throughout Miami-Dade County both in the incorporated and unincorporated areas without regard to municipal boundaries.
- (b) Any transportation network entity driver driving on a transportation network entity platform licensed pursuant to this article shall be authorized to provide transportation of persons and their baggage to and from Miami International Airport and to and from the Port of Miami upon compliance with terms, conditions and fees, as established by implementing order approved by the Commission; these terms and conditions may include, but are not limited to, restrictions on areas where passengers may be picked up or dropped off, where vehicles may wait to pick up a passenger who has prearranged transportation services prior to the transportation network entity vehicle entering Miami International Airport or the Port of Miami, or requirements that vehicles picking up passengers at such locations be equipped with equipment sufficient to record all transactions occurring at the Port of Miami or Miami International Airport. Any fee imposed by such implementing order shall be supplemental to any fee imposed elsewhere in this article. Transportation to or from Miami International Airport or any County General Aviation Airport shall be in compliance with any fees established by implementing order approved by the Commission, and with any terms and conditions specified in any operational directive established by the Miami-Dade Aviation Department pursuant to Chapter 25 of the Code of Miami-Dade County, which Operational Directives may include, but are not limited to, restrictions on areas where passengers may be picked up or dropped off, where

vehicles may wait to pick up a passenger who has prearranged transportation services prior to the transportation network entity vehicle entering Miami International Airport or any County General Aviation Airport, or requirements that vehicles picking up passengers at such locations be equipped with equipment sufficient to record all transactions occurring at Miami International Airport. The transportation of persons and baggage to and from Miami International Airport or to and from the Port of Miami shall constitute an agreement by the transportation network entity that it will conform to such terms, conditions, and fees. Unless specifically exempted herein, transportation network entity drivers and transportation network entities shall comply with all applicable requirements of Chapter 25 of the Code of Miami-Dade County with respect to activities at Miami International Airport.<<

Section 3. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 8CC-10. Schedule of civil penalties.

*	*	*
<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
*	*	*
31-303(a)	Failure to obtain a chauffeur's registration. Fine shall be reduced to \$50.00 if the person issued the citation has held a valid Miami-Dade County chauffeur registration within the past six months	1,000.00
31-303(i)(1)	Failure to display a valid chauffeur's registration	50.00
31-303(i)(2)	Violation of solicitation prohibition	75.00

31-303(i)(3)	Violation of smoking while transporting passengers or sleeping in vehicle prohibition	75.00
31-303(i)(4)	Refusal to transport passenger, for first violation	250.00
31-303(i)(4)	Subsequent violations	500.00
31-303(i)(5)	Failure to maintain a neat appearance; or failure to meet dress standards	25.00
31-303(i)(6)	Failure to maintain accurate, legible trip sheets or failure to provide trip sheets to [[CSD]] >>the Department<<, when requested	25.00
31-303(i)(7)	Overcharging passenger	250.00
31-303(i)(8)	Failure to offer fare receipt to paying passenger	25.00
31-303(i)(9)	Operating an unsafe vehicle	75.00
31-303(i)(10)	Violation of abusive language prohibition; or being discourteous to passengers or enforcement personnel, or soliciting gratuities	100.00
31-303(i)(11)	Operating a vehicle while ability or alertness is impaired	250.00
31-303(i)(12)	Failure to notify [[CSD]] >>the Department<< of modification of agreement with an operator or for-hire company; or failure to notify [[CSD]] >>the Department<< of change of address within ten (10) days of relocation	25.00
31-303(i)(13)	Failure to select most economical route to destination	100.00

31-303(i)(14)	Violation of passenger diversion prohibition, or accepting payment for passenger diversion	250.00
31-303(i)(15)	Failure to stop vehicle for inspection; or failure to allow authorized enforcers to inspect vehicle	50.00
31-303(i)(16)	Failure to display off-duty sign	50.00
31-303(i)(17)	Failure to use air conditioner	250.00
31-303(i)(18)	Displaying an altered chauffeur's registration	250.00
31-303(i)(19)	Failure to sign and accept violation notice	250.00
31-303(i)(20)	Vehicle operation with no valid operating permit and/or vehicle inspection displayed. Fine shall be reduced to \$50.00 if valid operating permit or valid inspection decal is presented to <u>[[CSD]] >>the Department<<</u> within two (2) business days of citation issuance	250.00
31-303(i)(21)	Vehicle operation when displayed operating permit decal or vehicle inspection sticker tampered or altered	250.00
31-303(i)(23)	Refusal to transport passenger and service animal, for first violation	500.00
31-303(i)(23)	Refusal to transport passenger and service animal, subsequent violations	1,000.00
31-304(1)	Failure to operate with properly sealed and operating taximeter	250.00

31-304(2)	Chauffeur not in attendance of vehicle except when parked in taxicab storage areas at Miami International Airport and Dodge Island; or vehicle doors open when unauthorized	25.00
31-304(3)	Failure to operate with a lit tell-tale light	25.00
31-304(5)	Accepting other fare while en route to dispatched call for an accessible vehicle.	250.00
	All other Chapter 31 Article II violations	50.00
	All other Chapter 4, Article III; Chapter 30, Sections 30-371 and 30-372; and Chapter 31, Articles II, III, IV and V, violations relating to chauffeurs	50.00
31-304(6)	Ambassador Cab Chauffeur Violation	250.00
31-304(6)—(9)	Taxicab Chauffeur Standards Violation	250.00
31-304(10)	Failure to Discharge at Requested Location	500.00
31-307(i)	Failure to comply with prearrangement requirements	[[250.00]] >>500.00<<
*	*	*
>>31-702(a)	<u>Unauthorized operation or advertisement of transportation network entity services</u>	<u>1000.00</u>
31-702(j)(1)	<u>Violation of applicable law</u>	<u>250.00</u>
31-702(j)(2)	<u>Failure to report change of address</u>	<u>100.00</u>

<u>31-702(j)(3)</u>	<u>Failure to maintain records and make available for inspection</u>	<u>100.00</u>
<u>31-702(j)(4)</u>	<u>Allowing person to operate transportation network entity vehicle who does not meet requirements</u>	<u>500.00</u>
<u>31-702(j)(5)</u>	<u>Allowing or permitting any person to operate transportation network entity for-hire vehicle without current, valid and sufficient insurance coverage</u>	<u>500.00</u>
<u>31-702(j)(6)</u>	<u>Failure to ensure that an operating permit is obtained</u>	<u>500.00</u>
<u>31-702(j)(7)</u>	<u>Permitting or allowing any chauffeur or other person to operate any for-hire vehicle without that vehicle's current valid operating permit being displayed</u>	<u>500.00</u>
<u>31-702(j)(8)</u>	<u>Allowing transportation network entity for-hire chauffeur to operate without a chauffeur's registration</u>	<u>500.00</u>
<u>31-702(j)(9)</u>	<u>Failure to ensure that all vehicles placed in and taken out of service have been inspected</u>	<u>200.00</u>
<u>31-702(j)(10)</u>	<u>Permitting or allowing operation of a vehicle which does not meet applicable vehicle standards</u>	<u>100.00</u>
<u>31-702(j)(11)</u>	<u>Allowing any person to operate a for-hire vehicle whose ability or alertness is impaired</u>	<u>250.00</u>
<u>31-702(j)(12)</u>	<u>Refusal or neglect to transport, for first violation</u>	<u>250.00</u>
<u>31-702(j)(12)</u>	<u>Subsequent violations</u>	<u>500.00</u>

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<u>31-702(j)(13)</u>	<u>Refusal to transport passenger and service animal, for first violation</u>	<u>500.00</u>
<u>31-702(j)(13)</u>	<u>Refusal to transport passenger and service animal, subsequent violations</u>	<u>1000.00</u>
<u>31-702(j)(14)</u>	<u>Operating accessible vehicle without certification</u>	<u>250.00</u>
<u>31-702(j)(15)</u>	<u>Allowing chauffeur to operate accessible vehicle without training</u>	<u>250.00</u>
<u>31-702(j)(16)</u>	<u>Failure to ensure that at least one (1) percent of transportation network entity for-hire vehicles are wheelchair accessible</u>	<u>1,000.00</u>
<u>31-702(j)(17)</u>	<u>Failure to meet requirements regarding Miami International Airport or Port of Miami</u>	<u>500.00</u>
<u>31-702(j)(18)</u>	<u>Failure to make financial information available relating to fees charged and/or collected at Miami International Airport or Port of Miami</u>	<u>500.00</u>
<u>31-702(j)(19)</u>	<u>Permitting or allowing chauffeur to utilize area designated for taxicabs</u>	<u>250.00</u>
<u>31-702(j)(20)</u>	<u>Permitting or allowing transportation network entity vehicle to display the words "taxicab", "taxi", or "cab"</u>	<u>250.00</u>
<u>31-702(n)(1)</u>	<u>Failure of transportation network entity to transmit electronic receipt</u>	<u>250.00</u>
<u>31-702(n)(2)</u>	<u>Failure to maintain website</u>	<u>250.00</u>

<u>31-702(q)</u>	<u>Failure of transportation network entity to enter into written agreement</u>	<u>500.00</u>
<u>31-703</u>	<u>Failure to obtain a chauffeur's registration</u>	<u>1,000.00</u>
<u>31-705(a)</u>	<u>Failure to adopt and display consistent trade markings</u>	<u>100.00</u>
<u>31-705(b)</u>	<u>Failure to comply with requirements for designated taxicab stands</u>	<u>250.00</u>
<u>31-705(c)</u>	<u>Allowing a transportation network entity for-hire chauffeur to solicit or pick up passengers other than by prearrangement through the transportation network entity and soliciting or picking up passengers other than by prearrangement; chauffeur soliciting passengers or picking up passengers other than by prearrangement</u>	<u>500.00</u>
<u>31-705(d)</u>	<u>Failure to comply with prohibitions regarding street hails</u>	<u>500.00</u>
<u>31-705(e)</u>	<u>Displaying the word(s) taxicab, taxi or cab on the exterior or interior of the transportation network entity for-hire vehicle</u>	<u>250.00</u>
<u>31-705(f)</u>	<u>Failure to comply with all ordinances, rules and regulations</u>	<u>100.00</u>
<u>31-705(g)</u>	<u>Failure of computer application to display transportation network entity for-hire chauffeur's name, license plate number and picture of vehicle to passenger</u>	<u>500.00</u>
<u>31-705(h)</u>	<u>Failure to adopt drug and alcohol policy</u>	<u>250.00</u>

<u>31-705(i)</u>	<u>Failure to maintain required records</u>	<u>500.00</u>
<u>31-705(j)</u>	<u>Failure to adopt policy of nondiscrimination and to comply with this policy</u>	<u>500.00</u>
<u>31-705(k)</u>	<u>Failure to comply with requirement regarding disabled persons</u>	<u>500.00</u>
<u>31-705(l)</u>	<u>Failure to maintain physical office</u>	<u>250.00</u>
<u>31-705(m)</u>	<u>Failure to provide information regarding compliance inquiry</u>	<u>500.00</u>
<u>31-705(n)</u>	<u>Operating a transportation network entity vehicle without the vehicle complying with applicable standards</u>	<u>75.00</u>
<u>31-705(o)</u>	<u>Refusal to transport passengers for reasons stated therein</u>	<u>250.00</u>
<u>31-705(o)</u>	<u>Refusal to transport passengers for reasons stated therein, subsequent violations</u>	<u>500.00</u>
<u>31-705(p)</u>	<u>Blocking or otherwise interfering with the Department's access to digital platform as a user to monitor compliance</u>	<u>500.00</u>
<u>31-706</u>	<u>Failure to charge established rates and fares</u>	<u>300.00</u>
<u>31-707(a)</u>	<u>Failure to comply with insurance coverage requirements</u>	<u>500.00</u>
<u>31-707(b)</u>	<u>Failing to provide necessary insurance coverage</u>	<u>500.00</u>
<u>31-707(c)</u>	<u>Failure to provide the Department with required notices of insurance cancellation</u>	<u>500.00</u>

<u>31-707(e)</u>	<u>Failure to provide documents when requested by the Department</u>	<u>200.00</u>
<u>31-708</u>	<u>Operating a vehicle in violation of the vehicle standards</u>	<u>75.00</u>
<u>31-708</u>	<u>Operating transportation network entity for-hire vehicle without a current, valid operating permit or inspection decal, as applicable, displayed</u>	<u>250.00</u>
<u>31-708(g)</u>	<u>Failure to have an operating air-conditioning system</u>	<u>250.00</u>
<u>31-708(y)</u>	<u>Failure to comply with requirements regarding wheelchairs</u>	<u>500.00</u>
<u>31-708(z)</u>	<u>Unauthorized display of "taxicab", "taxi", or "cab" and/or use of taximeter</u>	<u>250.00</u>
<u>31-708(aa)</u>	<u>Violation of requirements regarding advertising on transportation network entity for-hire vehicles</u>	<u>250.00</u>
<u>31-708(bb)</u>	<u>Failure to utilize passenger rating system</u>	<u>500.00</u>
<u>31-708</u>	<u>Operating a transportation network entity for-hire vehicle without vehicle permit</u>	<u>500.00</u>
<u>31-708</u>	<u>Failure to satisfy inspection requirements</u>	<u>500.00</u>

<u>31-708</u>	<u>Failure of transportation network entity to suspend authorization of any transportation network entity for-hire chauffeur whose vehicle fails inspection</u>	<u>500.00</u>
	<u>Any and all other violations of Article 7</u>	<u>250.00<<</u>

Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

APW

Prepared by:

GKS

Gerald K. Sanchez

Prime Sponsor: Chairman Jean Monestime